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AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 REYNALDO SALINAS, et al., ) CASE NO. C 08-01463 PJH  
12 )  
13 Plaintiffs, )  
14 )  
15 vs. ) Date: July 23, 2008  
16 ) Time: 9:00 a.m  
17 AMTECK OF TEXAS, et al., ) Courtroom: 3  
18 )  
19 Defendants. )  
20 )

18 REQUEST FOR JUDICIAL NOTICE RE:  
19 DEFENDANTS AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY'S  
20 NOTICE OF MOTION AND MOTION FOR ASSESSMENT OF FEES AND COSTS  
AGAINST PLAINTIFFS IN THE AMOUNT OF \$77,847.66 AND FOR STAY OR  
DISMISSAL OF PROCEEDINGS PENDING PAYMENT

1 Pursuant to Federal Rule of Evidence 201, defendants Amteck of Kentucky, Inc. and  
2 the Haskell Company request that the court take judicial notice of the following facts:

3 1. Plaintiffs filed an action against defendants Amteck of Kentucky, Inc. and the  
4 Haskell Company entitled Reynaldo Salinas, et al. vs. Amteck, Superior Court, State of  
5 California, Napa County, Case No. 26-35179 which was dismissed without prejudice. See,  
6 Exhibits "1" and "4" attached to the memorandum accompanying this motion.

7 2. Plaintiffs filed this action against defendants Amteck of Kentucky, Inc. and  
8 the Haskell Company in Texas state court. See, Exhibit "8" attached to the memorandum  
9 accompanying this motion.

10 3. The claims against defendants Amteck of Kentucky, Inc. and the Haskell  
11 Company in Reynaldo Salinas, et al. vs. Amteck, Superior Court, State of California, Napa  
12 County, Case No. 26-35179 are substantially similar to the claims in this action. See,  
13 Exhibits "1" and "8" attached to the memorandum accompanying this motion.

14 4. Plaintiffs sued an entity known as Amteck of Texas in this action. Amteck of  
15 Texas removed the action to the Southern District of Texas and asserted it had been  
16 wrongfully jointed in this action. Amteck also filed a motion to dismiss and was eventually  
17 dismissed by plaintiffs. See, Exhibits "13" through "15" attached to the memorandum  
18 accompanying this motion.

19 5. Defendant Amteck of Kentucky removed this action to the Southern District  
20 of Texas and filed a motion to dismiss/transfer. See, Exhibits "9" and "10" attached to the  
21 memorandum accompanying this motion.

22 6. Defendant Haskell Company removed this action to the Southern District of  
23 Texas and filed a motion to dismiss/transfer. See, Exhibits "11" and "12" attached to the  
24 memorandum accompanying this motion.

25 Defendants Amteck of Kentucky, Inc. and the Haskell Company also request that  
26 the court take judicial notice of the court's files and documents while the case was venued

1 in the Southern District of Texas. The case number is 7:08-cv-00003.

2 DATED: June 12, 2008

DIEPENBROCK & COTTER, LLP

3 */s/ John P. Cotter*

4 By:

5 JOHN P. COTTER  
6 ANTHONY R. ROSSMILLER  
7 Attorneys for Defendants  
8 AMTECK OF KENTUCKY, INC. and  
9 THE HASKELL COMPANY

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and forgoing document was sent via ELECTRONIC SERVICE (through ECF website) or UNITED PARCEL SERVICE to the counsel listed below on June 12, 2008:

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10 I declare under penalty of perjury that the forgoing is true and correct.

11 */s/ John P. Cotter*

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JOHN P. COTTER

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